MR. KALLUR NARAYANA PILLAI: In that case, I beg leave to withdraw the motion.

PRESIDENT: Is it the pleasure of the House that the motion be withdrawn?

The motion was, by leave, withdrawn.

PRESIDENT: I put it that Demand X—Public Works Department—for Rs. 34,54,850, be passed.

The grant was made.

DEMAND XI—PUBLIC WORKS—ELECTRICAL DEPARTMENT.

MR. K. P. PADMANABHA MENON: I rise to move for a grant not exceeding Rs. 14,82,717 under Demand XI—Public Works —Electrical Department.

PRESIDENT: Anybody to speak on this demand?

MR. KOCHIKAL P. BALAKRISHNAN TAMPI: I want merely to point out to Government that Travancore is a huge territory extending from Cape Comorin right up to Parur and that Travancore is much bigger than Trivandrum. People who live outside Trivandrum do not of course grudge the added amenities of life in Trivandrum. But it is very hard that monies are lavishly spent on Trivandrum and its suburbs much to the detriment of the poor people in the other parts of Travancore. At the same time, I do not forget the fact that a larger area would be considerably helped by the opening of the new Pallivasal Scheme. I only emphasise the point that as far as Trivandrum, Quilon and other municipal areas are concerned, Government must stop the policy of catering to their needs and it is the duty of the Government to insist the municipalities to provide for their amenities. Of course, there is some justification for greater concession being shown to the Capital. But it must be within certain decent limits. It must not be said that the State existed merely for the Capital. The reputation of Travancore outside is not judged by the number of electric bulbs, but by more consequential matters, by representative institutions and all that, about which we will have occasion to talk later on, in this House. But I do not oppose the demand.

PRESIDENT: I put it that Demand XI—Public Works—Electrical Department for—Rs. 14,82,717 be passed.

The grant was made.

DEMAND XII—ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to move for a grant not exceeding Rs. 10,49,355, under Demand XII—Administration of Justice.

MR. KOCHIKAL P. BALAKRISHNAN TAMPI: I rise to oppose the whole demand, first to point out the inadequacy of the present reforms.....

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MR M. N. PARAMESVARAN PILLAI: Is the member in order, Sir, in doing that?

PRESIDENT: We are now dealing with 'Administration of Justice".

MR. KOCHIKAL P. BALAKRISHNAN TAMPI: I am sorry I made a mistake.

I oppose the entire demand for Administration of Justice, just to draw the attention of the Government to their slackness in giving effect to the recommendations of the Law's Delays Commissioner in the matter of the establishment of Courts, *viz.*, the District Court at Mavelikara and the Munsiffs' Courts at Pattanamtitta and Ambalapuzha.

MR. KOMILEZHATHU SANKARAN: May I remind the member of the fact that he is now referring to local needs?

MR. KOCHIKAL P. BALAKRISHNAN TAMPI: I have found by experience that it is folly to be wise where other conditions prevail.

MR. G. NARAYANA AIYAR (*Kunnatnad* cum *Parur*): Sir, public confidence in the judiciary (*Louder please*) is now on the decline. It is due to the bad recruitment of judicial officers. The most important factor that contributes to prompt and satisfactory disposal of cases is the efficiency of the personnel of judicial officers. Therefore, unless efficiency is regarded as the paramount test for the recruitment of judicial officers, it is very doubtful whether the present public impression will be removed.

MR. K. P. NILAKANTA PILLAI: May I know from the member how the efficiency is to be tested before a person is appointed as a judicial officer?

MR. G. NARAYANA AIYAR: The appointing authority must be asked to select the best man and they must be given full discretion in the matter of choosing the person whom they consider most efficient.

MR. K. P. NILAKANTA PILLAI: How is it possible for the appointing authority to judge the efficiency of a particular person, as a judicial officer, before he is appointed?

MR. G. NARAYANA AIYAR: They may hold *viva voce* examinations; they may examine him. They must understand his character and position at the Bar. The High Court is the best authority to do that.

MR. K. P. NILAKANTA PILLAI: May I ask the member whether, even now, it is not the High Court that makes the choice and recommends to Government?

MR. G. NARAYANA AIYAR: They do not always select the best man and sometimes the recommendations made by the High Court are vetoed by Government.

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MR. P. PADMANABHAN TAMPI: Is the member aware that recently, the High Court recommended Mr. C. S. Lakshmana Pillai for a Judge's post and the Government vetoed that recommendation and appointed somebody else?

MR. G. NARAYANA AIYAR: Yes; I heard that. Government must either give the full powers to the High Court or take the responsibility entirely upon themselves. It is only the High Court that can know the nature of judicial work. They alone have the opportunity to know the members of the Bar. I would therefore, insist that, in the matter of appointing judicial officers, the power of the Hight Court is left unchallenged.

MR. M. GOVINDAN: May I ask whether, in the case of Sirkar Vakils practising in the District Courts in the mofussil, it is the Government or the High Court that is in a better position to judge efficiency?

MR. G. NARAYANA AIYAR: The High Court can ascertain it through the District Judges.

MR. K. P. NILAKANTA PILLAI: Is it the opinion of the member that, in preference to the opinion of Government, the opinions of District Judges must prevail in the matter of recruitment to the judiciary?

MR. G. NARAYANA AIYAR: If necessity arises, the District Judges may be asked as to what they think of particular vakils practising before them.

MR. P. PADMANABHAN TAMPI: Is the member aware that there are corrupt judicial officers in Travancore?

MR. G. NARAYANA AIYAR: It is a general statement that my friend is asking me to make; unless my friend brings specific instances to my notice, I am not prepared to answer his question.

MR. P. PADMANABHAN TAMPI: Is the member aware that certain specific instances of corruption among the judicial officers were quoted in local newspapers?

MR. G. NARAYANA AIYAR: Yes. I would like to point out that, so far as the Judicial Department is concerned, the question of communal representation should not be taken into consideration. Efficiency must be the sole consideration for recruitment to the judiciary. We find, from the Administration Report of the Civil Justice Department, that more than 38,000 cases were pending disposal in 1107.

MR. P. PADMANABHAN TAMPI: Is my friend aware of the inordinate delay in the disposal of criminal cases?

MR. G. NARAYANA AIYAR: Yes.

MR. S. PIRAVIPERUMAL PILLAI: May I ask whether such delay is due to the communal representation?

MR. G. NARAYANA AIYAR: If efficiency alone is taken into account in recruiting officers to the judiciary, such delay may not arise. Further, if the Government want to follow the principle of communal

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representation, the best men from the different communities ought to be chosen for appointments to the judiciary.

MR. S. PIRAVIPERUMAL PILLAI: Is the member suggesting that that is not being done now?

MR. G. NARAYANA AIYAR: That is being done in some cases only.

MR. KOMILEZHATHU SANKARAN: May I ask the member whether there is any instance of the best man from an unrepresented community not being appointed?

MR. G. NARAYANA AIYAR: I am not prepared to give specific instances now.

MR. M. GOVINDAN: When qualifications of different candidates are equal, does the member object to the candidate from an unrepresented community being preferred for the appointment?

MR. G. NARAYANA AIYAR: My point is that, if the High Court is satisfied beyond doubt as to efficiency, preference may be given to men belonging to the unrepresented communities.

MR. S. PIRAVIPERUMAL PILLAI: Is efficiency the monopoly of a particular community?

MR. G. NARAYANA AIYAR: Certainly not. I only suggest that, unlike other departments, in the case of the Judicial Department, efficiency should be the sole test in making appointments. I know that, in these days, it is not possible to ignore altogether the principle of communal representation in the matter of appointments. That is why I suggested that, when it is the turn of a particular community, the High Court must at least choose the best man from that community, and the Government must not interfere with the choice made by the High Court.

MR. KOMILEZHATHU SANKARAN: How is efficiency to be tested?

MR. G. NARAYANA AIYAR: It must be left to the High Court.

MR. KOMILEZHATHU SANKARAN: Is the member aware that all the communities in the State are not represented in the body of High Court Judges?

MR. G. NARAYANA AIYAR: The High Court is not meant to be a representative institution. We have only six Judges in the High Court; and it is not possible that all the communities in the State are represented there. I do not see any reason to doubt the capacity or the integrity of the High Court Judges, even though all the communities are not represented in the High Court.

MR. KOMILEZHATHU SANKARAN: Is the member aware that there was a time in Travancore when, simply because particular individuals happened to be born in particular communities, they were not allowed admission in educational institutions and were therefore not in a position to become eligible for getting entry in the public service?

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MR. G. NARAYANA AIYAR: There might have been such a time. But, the situation is entirely different now. I do not see any reason why we should talk of things which existed several decades ago.

MR. KOMILEZHATHU SANKARAN: Is the member aware of the fact that, even now, there are particular departments into which the members of particular communities cannot get entry?

PRESIDENT: We are talking about the judiciary, Mr. Sankaran.

MR. G. NARAYANA AIYAR: The fact that I want to impress upon the Government is (Mr. Komilezhathu Sankaran: *Louder, please*) the necessity to give absolute powers to the High Court in regard to appointments to the judiciary.

The Law's Delays Commissioner submitted his report in 1107. It is very regrettable to find that even the simple recommendations made therein have not yet been given effect to. When some interpellations were asked about some of the recommendations of the Law's Delays Commissioner the Government gave the answer that the recommendations were under their consideration. Sir, we are not able to understand the reason why the Government take so much time to consider even such simple questions. Whenever there is clamour in regard to a particular question, Government at once appoint a committee; and when they get the report of the committee they merely allow it to lie over. Sir, in regard to the Law's Delays Committee, a great deal of money has been spent on it; it was presided over by a retired High Court Judge and the report seems to be a good one. It is not sound policy on the part of the Government to shelve the reports of such committees. I would therefore request the Government to see that the recommendations of the Law's Delays Committee are brought into effect as early as possible.

I would also like to bring to the notice of this House and of the Government the very low pay of the officers of the Judicial Department in Travancore. In point of status the Judges of the High Court come next to the Dewan; but, in the matter of their pay they are superseded by some Departmental Heads. When we take into consideration the pay of the judicial officers in the Madras Presidency, there is absolutely no proportion between that and the pay here. Considering the difficulty and the importance of the work that they do, at least to preserve their status, it is highly necessary that the pay of judicial officers in the State is enhanced.

MR. P. PADMANABHAN TAMPI: Does the member advocate increase of pay even during the present economic depression?

MR. G. NARAYANA AIYAR: That is a fact which the Government has to consider when the economic conditions improve. In the matter of the District Judges also they are far below the standard, in the matter of pay. A Professor working for 7 or 8 hours a week gets Rs. 600 or Rs. 700, while a District Judge with all the responsibility working day and night and administering justice gets only

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Rs. 500 or Rs. 600. Certainly it is very low. Compared to the work turned out by him he deserves sufficient encouragement. The same is the case with District Munsiffs also. The District Munsiff in Travancore does the same work as the District Munsiff in British India.

MR. KOMILEZHATHU SANKARAN : May I know from the member whether it is not left to the discretion of any particular individual to accept or reject any post ?

MR. G. NARAYANA AIYAR : It should not be like that. The post should be made attractive enough so that competent men may come.

PRESIDENT : Your time is up.

MR. M. N. PARAMESVARAN PILLAI : In connection with this demand I also wish to make a few observations. The first and the most important thing I wish to urge for the consideration of Government is the separation of the Magistracy from the control of the Executive and the necessity of placing it under the direct and immediate control of the High Court. Ever since the beginning of the Sri Mulam Popular Assembly repeated representations have been made there by various members pointing out the desirability of placing the Magistracy under the control of the High Court. At the 18th session of the Sri Mulam Popular Assembly the Dewan said—

> "There is no difference between the Government and the members as regards the soundness of this policy."

Government elsewhere have also recognised the soundness of this principle.

Sir, the combination of the revenue and the magisterial powers in one and the same individual is opposed to public interest and safety. Our Magistracy being under the control of the Executive is very often forced to support the authority of the Executive. In this connection I may tell my learned friend Mr. Govindan that most of the prosecutions which were launched against the police officers did not end in conviction because we find that as long as the Magistracy is under the control of the Executive it can only dance to the tunes of the police. There is a fundamental difference, Sir, between the civil and the criminal administration of justice. In the case of the civil administration of justice it is purely a matter between private individuals and nobody else is interested in it. But in the matter of the criminal administration of justice it is a matter between the State and its subjects and as such the former has therefore an interest in it. It is, therefore, highly necessary that criminal trials should be held in an atmosphere of cool impartiality and that all our criminal courts should be above all suspicion. They should be such as to command the absolute confidence of those who appear before them. This is the justification, Sir, for insisting upon the separation.

With regard to the criminal and revenue courts, we find that no stamp registers are maintained there at present. In the interest of the public and in the interest of the State revenue I think it is highly necessary that stamp registers should be insisted upon in these courts.

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Another point to which I wish to draw the attention of Government is that on an average we find about Rs. 50,000 or Rs. 60,000 is held in judicial deposits under the jurisdiction of every District Court and no interest is paid for this amount. I submit that Government should allow interest on these deposits.

MR. R. NILAKANTA PILLAI: Is the money held for any definite period?

MR. M. N. PARAMESVARAN PILLAI: No, but what I say is that Government should at least allow interest on such deposits at the rate prescribed for current deposits or they should permit such deposits to be made in recognised banks.

Another point on which I wish to address the House in this connection is with regard to recruitment to the judicial service. The age bar that is now fixed for Munsiffs and Second Judges, namely 35 for Munsiffs and 40 for Second Judges, should be revised so as to secure the services of men of experience and ability. Modification has also to be made in the percentage of recruitment to the judicial service. As suggested by the Law's Delays Commissioner, in the case of Munsiffs not less than three-fourths of the number of vaccancies should be filled from the Bar and only one-fourth should be reserved for the ministerial staff. As regards Second Judges also not less than fifty per cent should be taken from the Bar and 50 per cent. from the cadre of Munsiffs. In the matter of recruitment to Second Judges' posts, I also submit that the Sirkar Vakils should not be classed along with the members of the Bar. They are officers governed by the T. S. R. in the matter of promotions, leave, pension and other matters.

MR. A. N. VISVANATHA PILLAI: പന്ത്രണ്ടിൽ ...രം സർക്കാർ വക്കീലന്മാരുണ്ടായിരുന്നിട്ടും ഫ 8 0 0 രൂപായുടെ മേൽ വക്കിൽ ഫീസു ഗവണ്മെൻറിൽ നിന്നും കൊടുത്തിട്ടുണ്ടെന്നുള്ളതു മെമ്പർക്കറിയാമോ?

MR. M. N. PARAMESVARAN PILLAI: അതു അറിയാം.

So, I think, a thorough change in the policy of recruitment ought to be effected.

MR. M. GOVINDAN: Does the member think that it is necessary to recruit from the establishment any proportion of District Munsiffs?

MR. M. N. PARAMESVARAN PILLAI: No; I do uot think it is necessary, but as the Law's Delays Commissioner says, to avoid heart-burning, I suggest that 25% may be reserved for the ministerial staff. I would be glad if all the Munsiffs are recruited from the members of the Bar who have got better experience and ability. I also suggest that to increase the efficiency of the Magistracy frequent recruitments should be made from the members of the Bar.

Another point I wish to bring to the notice of Government in this connection is with regard to civil debtors. At present for the incarceration of a debtor in civil prison a decree-holder has to pay Rs. 5

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for the bedding charges etc., and 2½ fanams per day for his subsistence allowance. Out of this Rs. 5 the jail authorities supply one blanket and a small pillow which together will not cost more than a rupee and a half. And although the price of commodities such as paddy, rice and other articles have gone down by 40 or 50 per cent., yet in the rate of the subsistence allowance no reduction has been made till now.

As regards the execution of death sentences in murder cases, a most humane piece of reform has to be introduced. While all over the world the tendency is to abolish the death sentence, we in Travancore still carry out the death sentence in the old primitive form, *viz.*, hanging by the neck. In these days of humanitarianism it is very shocking to see that very many human beings are annihilated in the Central Jail by the process of hanging. We are also sorry to see such a state of affairs existing in this country especially when its Sovereigns are either the patrons or patrons-in-chief of the All-Travancore Humanitarian Conference.

MR. KOMILEZATHU SANKARAN: May I know from the member whether he is not aware of a section in the Penal Code exempting certain culprits, simply because they belong to a particular community?

MR. M. N. PARAMESVARAN PILLAI: Yes, I know that and I shall come to that point later on.

Now that we have electricity in the town, I hope Government will seriously consider whether they could not introduce electrocution methods instead of continuing this barbarous system of hanging by the neck. So long as death sentence is provided in the Penal Code, I trust that this suggestion of mine will be favourably considered and given effect to by Government.

MR. K. N. KESAVAN NAMPUTIRIPAD: May I know from the member whether it does not exist in Germany?

MR. M. N. PARAMESVARAN PILLAI: In Germany there may exist very many barbarities and we need not follow them.

MR. KOCHIKAL P. BALAKRISHNAN TAMPI: Has it been abolished in England?

MR. M. N. PARAMESVARAN PILLAI: No, but in some other countries death sentence has been abolished and even in England the present tendency is to abolish it.

MR. M. GOVINDAN: Is it not the fear of the punishment in this way that proves a sufficient deterrent?

MR. M. N. PARAMESVARAN PILLAI: I do not think so. In spite of the present system of hanging that we are having to-day, the number of murders in the State has only increased. Mr. Govindan will be aware that the number of murders has increased in the Trivandrum and Kottayam Divisions and also in other centres in spite of the deterrent punishments meted out by our courts of law.

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MR. M. GOVINDAN. It may be because we are not hanging sufficient number of people. (*Laughter*).

MR. M. N. PARAMESVARAN PILLAI: I do not know that I do not say that we should not sentence a murderer to death but, even in that act, I believe, we can show some humanity. That is what I wish to emphasise. In this connection, I think the thanks of this House are due to the Trivandrum Municipality for having decided to destroy the stray dogs in the town by electrocution instead of the present obnoxious and cruel system of clubbing them to death; and when the municipality is prepared to show such a humane act towards these dumb animals, I think this House will be one with me in asking why in the matter of killing human beings the same humane method should not be adopted.

One more point I have to state in this connection and that is this. Although we have got several women of Lady Macbeth's type among us, yet on the whole, it must be admitted, that the women of Travancore enjoy a privileged position. They are exempted from arrest or detention in civil prison in execution of decrees and they are also exempted from death sentence; but it is shocking to our sentiments to find a provision in our Civil Procedure Code for their incarceration in civil prison in execution of a decree for restitution of conjugal rights. I think it is ridiculous to retain Order 21, Rule 30 in our Civil Procedure Code and I trust our Law Member will see that such a provision is removed from our Code. There was such a provision in the British Code but that has now been repealed.

With regard to the exemption referred to by Mr. Sankaran, what I have to say is that, so far as I know, there is only one community, the Brahmin community, which is exempted from death sentence. In early days the Government might have thought that they were a privileged class of people and that they should not be hanged for murder.

MR. P. PADMANABHAN TAMPI: May I know from the member the number of persons executed in that community for the last ten years?

MR. M. N. PARAMESVARAN PILLAI: I have not heard of any Brahmin having committed murder during the last several years. But there are members of other communities who have been charged with the heinous offence of murder.

MR. M. GOVINDAN: May I know from the member whether any women have committed murders?

MR. M. N. PARAMESVARAN PILLAI: Yes, and they are exempted from death sentence.

MR. M. GOVINDAN: Should they not be hanged?

MR. KATTIYATTU SIVARAMA PANICKAR: Does the member want the exemption to continue, or does he want it to be repealed?

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MR. M. N. PARAMESVARAN PILLAI: With regard to whom, women or Brahmins?

MR. KATTIYATTU SIVARAMA PANICKAR: Brahmins.

MR. M. N. PARAMESVARAN PILLAI: I do not want to remove that exemption. It is for the member if he is advised to do so to introduce an amending Bill for the repeal of the provision.

MR. KOMILEZHATHU SANKARAN: May I know from the member whether there is any such provision exempting a particular community from the death sentence in the British Indian Code?

MR. M. N. PARAMESVARAN PILLAI: I do not think that the Indian Penal Code makes any exemption. There is much difference between the Indian Penal Code and the Travancore Penal Code.

MR. KOMILEZHATHU SANKARAN: May I know from the member whether he entertains any difference in view about the status and position of Brahmins in Travancore and of Brahmins in British India?

MR. M. N. PARAMESVARAN PILLAI: I am sorry, that the question does not arise. I may be holding different views with regard to that matter, but I think I will not be well advised in giving expression to them before this House.

I also request the Law Member to see whether the holidays taken away from the Judicial Department could not be restored.

PRESIDENT: Your time is up.

MR. M. GOVINDAN: Sir, I wish to say that the Judicial Officer is a very hard worked servant of Government and he should get his holidays as Mr. Paramesvaran Pillai suggests and what has been taken away should be restored. That is one thing. Another thing is that he has got a very low pay, all round from the High Court Judge to the District Munsiff for the work he is doing which is very heavy and very responsible. The District Munsiffs ought to get not less than Rs. 250 to start with. The present pay of Rs. 200 was fixed very long ago giving an increment of Rs. 50 and that as only a temporary measure of relief, when elsewhere the pay was fixed very high. The work that is turned out here is exactly identical with the work turned out by the District Munsiffs in British India. The quantity turned out by the District Munsiff here is much more than the quantity turned out on an average by the District Munsiffs elsewhere, and the file of the District Munsiff here is also much heavier than the file of the District Munsiffs elsewhere. Every thing considered, he ought to get the same start as the District Munsiff in British India.

MR. KAYALAM PARAMESVARAN PILLAI: May I know from the member what a District Munsiff in British India gets?

MR. M. GOVINDAN: My idea is that he starts with Rs. 250 in British India.

MR. KAYALAM PARAMESVARAN PILLAI: Up to what does his salary rise?

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MR. M. GOVINDAN: It rose up to Rs. 500 before. But now they have reduced it to Rs. 450. I think that Rs. 250 to Rs. 450 will be a proper scale for the District Munsiffs. The District Judge has got only Rs. 400 to Rs. 600. That is also very low compared to what the District Judge gets in British India. That also requires revision. He should start at least on Rs. 600. The District Judge has the power of inspecting District Munsiffs' courts under the rules. But it is not done in practice. When I once put the question to a responsible person why the District Judge should not exercise the powers vested in him under the rules, I was told that between the District Munsiff and the District Judge there is not enough disparity in status to make the latter sufficiently respected for purposes of effective inspection. That is quite true. It is for the Government to see that the pay of the District Judge is made a little higher than it is at present, so that he may command sufficient respect. Then the District Munsiffs' Courts can be inspected by District Judges and their work will improve satisfactorily. Now the High Court Judges go on inspection only during vacations. That is not sufficient. During vacations the District Munsiffs' Courts are not functioning. They too have vacations. During the whole of my official career my court was inspected only once. That was during 24 years. My point is that inspection should be done more frequently. That can be done only if the District Judges are made to inspect the Munsiffs' Courts, Under the Civil Procedure Code, the subordinate Munsiffs' Courts are under their control and supervision. Why should they not be asked to inspect these courts?

With regard to the High Court Judges also, my view is that the High Court Judges ought to be paid more than the average head of a department. Rs. 1,200 for a Puisne Judge and Rs. 1,400 for the Chief Justice would be correct amounts proportionate to the pay that other officers are being paid in this State. With these words, I support the motion.

MR. P. PADMANABHAN TAMPI: Sir, at the beginning, I never thought of speaking anything on this demand. But after hearing the speeches of various members, I am influenced to say a word on this subject.

To begin with the High Court, I have to say that the service of the High Court Judges in Madras extends till the 60th year of age. Here I cannot understand why the service is limited to 55. We have the best Judges in the High Court retired early when they were able to work.

MR. M. N. PARAMESVARAN PILLAI: Does not the member think that they should give room to youngsters?

MR. P. PADMANABHAN TAMPI: Yes, I think when we have got the best men, and when that is the practice in other civilised countries, such as Madras and England, why should we not keep experienced and able men in service till 60? That is one observation I have to make.

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The next point is—and I am speaking with close experience of the Judicial Department for the last 30 years—that high morality, judicial morality is not maintained. There are cries of corruption in many parts of Travancore. I can tell you, Sir, that, unlike other departments, judicial corruption should be taken special note of. When local newspapers, with their fear of the Newspapers Regulation, earmark certain officers that should be taken special note of I am at a loss to understand why the Government or the High Court are not taking steps to find out the corrupt officers and remove them or give them some place in other departments rather than retain them in the Judicial Department. I submit to you, Sir, that the best administration in the State should be the judicial administration. I can even tell you that communalism prevails in the matter of judgments. That is highly regrettable. It is a matter which I bring to the notice of the House with very great regret. Then, Sir, the ministerial officers, I can say with authority, are corrupt, at least 95 per cent. of them. We cannot transact any business in the ministerial office without tipping. I think this is somewhat experienced in the Judicial Department. If a circular is issued that the execution clerks—

MR. S. PIRAVIPERUMAL PILLAI: May I ask the member whether for this tipping it is the party that is responsible or the office people?

MR. P. PADMANABHAN TAMPI: Both are responsible. If we have the best men in the service who will not take tips, I think the parties will not give them tips. Only 41 per cent. of the population is literate. If we have got all the people educated and civilised then they may not care to tip. You and I may not give tips, but a poor man will prefer tipping in order to get his work done.

MR. M. GOVINDAN: If graduate clerks alone are entertained will not this bribe-taking be lessened?

MR. P. PADMANABHAN TAMPI: Yes, I think we have a large army of graduates without work. Why not graduate clerks be employed in the Judicial Department? The S. S. L. C. holders are appointed as clerks according to the whims and caprices of the judicial officers. I hope there will come a day when all the clerks in the Judicial Department will be graduates.

MR. A. N. VISVANATHA PILLAI: താഴ്ന്ന ഉദ്യോഗസ്ഥന്മാ
ക്ക് ശമ്പളക്കൂടുതൽ കൊടുത്താൽ അഴിമതി കുറയുകയില്ലേ?

MR. P. PADMANABHAN TAMPI: It is not only the case in small appointments. I know that even officers drawing Rs 500 are corrupt. It is not a question of high pay but it is the character that makes them receive bribes.

Coming to the question of delay in the disposal of cases, I know that presiding officers as soon as they enter court-houses commit falsehood. They usually come at 1 O' clock, but they mark their attendance as 11 O' clock. We had an acting Chief Justice who was going

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[Mr. P. Padmanabhan Tampi.]

from court to court making surprise visits. Then the officers were attending at 11 O' clock. With the change of that officer, these subordinate officers are also coming late.

MR. KAYALAM PARAMESVARAN PILLAI: Is the member able to support these cases with specific instances?

MR. P. PADMANABHAN TAMPI: I can quote specific instances.

MR. KAYALAM PARAMESVARAN PILLAI: May I know whether the member is willing to quote those instances before any High Court Judge if he is prepared to make an enquiry?

MR. P. PADMANABHAN TAMPI: I am prepared and I will be the first man to give evidence. But when we give specific instances at the request of Government those who do so have to undergo prosecution. As I pointed out in the 19th session of the Popular Assembly when Mr. T. Raghaviah wanted specific instances, when specific instances were given, our poor *Dakshinabharathi*, a widely circulated Newspaper in south Travancore, which is very popular there, was prosecuted. When specific instances are quoted those who quote them are prosecuted and they have to meet the cost from their own pockets.

Another point that I want to mention is the low pay of the Magistracy. When the Tahsildar-Magistrate system was in vogue we had high officers as Magistrates drawing Rs. 200 or Rs. 300. But now the Magistrates are paid very low. They are taken from the clerks of the Huzur Secretariat. As pointed out by several members they are ranked far below that of Police Inspectors. And as in British India they have to dance to the tune of the police officer. I submit that that system should be changed. The delay in criminal cases is very great. I know that sometimes judgments are reserved for two years after the hearing was closed.

The next point is about the introduction of the Jury system in Travancore. Though this system was introduced long ago in British India we are not yet having it here. There was a Bill introduced in the Legislative Council some 30 years ago. But that was withdrawn by Government without assigning any reason.

MR. KAYALAM PARAMESVARAN PILLAI: Will the jurors be more corrupt than the Judicial Officers and clerks the member referred to?

MR. P. PADMANABHAN TAMPI: If that is the experience of the Law Member then I do not advocate that. But I know that in all civilised countries jurors are not corrupt?

Another point that I want to add is the undesirability in the reduction of the ten Hindu Holidays. Of all the departments the judiciary are working very hard. I do not know why the Hindu Holidays alone should be abolished? Why not the Christian Holidays or the Mahomedan Holidays be abolished? Why not the summer holidays and Christmas Holidays be reduced? I do not know why the

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Hindu holidays alone be abolished, at a time when a Christian presides over the Administration. I submit, Sir, that the Hindu holidays should be restored. With these remarks, I support the motion.

The House adjourned for lunch at 1-28 P. M. and re-assembled at 2-15 P. M.

MR. K. K. THOMAS (*Nominated*) : Sir, at the beginning of the discussion I did not think it necessary for me to give any opinion or to take the time of the House by dilating on the points referred to by my friends. But after hearing some members who in their enthusiasm to purge the State of the evil of corruption have exceeded their bounds, I think it necessary to offer a few words. I may claim as much experience of the judiciary of this country as my friends on this side.

MR. P. PADMANABHAN TAMPI: Which side please? You refer to the other side of the House?

MR. K. K. THOMAS: No.

My experience has always been on the contrary and I am able to inform this House that our judiciary, especially the higher judiciary *i. e.* Second Judges, District Judges and High Court Judges are in no way inferior with regard to character or ability in comparison with the judiciary outside. I have had also some experience of the judiciary in other countries like Cochin and British India. It may be in a way true that the subordinate judiciary is not as pure as it ought to be and there are several blacksheep in it. But in the case of the whole judiciary in the service who are recruited from the best men who have highest educational qualifications in this country to attribute to the entire body corruption and bias towards community, I fear, is certainly too much. I know and maintain that most of them or a vast majority of them are honourable people who do their work properly after a judicial and careful study and deliberation.

MR. P. PADMANABHAN TAMPI: May I know whether the member is still practising?

MR. K. K. THOMAS: Yes.

Now, with regard to the aspersions on certain members of the judiciary in the Vernacular papers, I am sorry I had to deny myself the pleasure of these contributions in the papers. But whatever that be the President of this Council has on several occasions said that no action will be taken on the aspersions in the vernacular papers, unless they are substantiated by substantial evidence to prove the allegations.

Sir, with regard to the recruitment of Magistrates also I would add a few words. It has been often times said that the Magistracy recruited from the clerks of the Huzur Secretariat are not up to the mark. It may be profitable if a certain proportion or one third of the Magistrates be recruited from the members of the Bar

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who show signs of coming up by their intelligence and capacity. The selection, of course may be, as has been suggested by my friend from Kunnatnad, in consultation with the District Judges of each locality before whom these gentlemen practice. Their antecedents in the college and at the Bar may also be considered at the time of recruitment.

Mr. A. N. VISVANATHA PILLAI: സർ, ഇവിടത്തെ ജൂഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിൽ അനാവശ്യമായി പല ഉദ്യോഗങ്ങളും നിമ്മിച്ചിട്ടുള്ളതിനെപ്പറ്റിയാണ് എനിക്കു ആദ്യമായി പറയുവാനുള്ളതു്. ഇവിടെ ഒരു ഹെഡ്സക്കാർ വക്കീൽ ഉണ്ടു്. അതു കൂടാതെ അഡിഷണൽ ഹെഡ്സർക്കാർ വക്കീലും ലാമെമ്പറുംകൂടി ഒരാം ഉണ്ടു്. അഡിഷണൽ ഹെഡ്സർക്കാർവക്കീലിനു് ഒരു അസിസ്റ്റൻറും ഉണ്ടു്. ഇപ്രകാരം ഈ ഡിപ്പാർട്ടുമെൻറിൽ വളരെ കൂടുതലായി ഉദ്യോഗങ്ങാം അടുപ്പാഴപ്പോം സൃഷ്ടിച്ചിട്ടുണ്ടു്. അഡിഷണൽ ഹെഡ് സർക്കാർ വക്കീൽ ഉദ്യോഗവും അസിസ്റ്റൻറു അഡിഷനൽ ഹെഡ്സർക്കാർ വക്കീലുദ്യോഗവും നിമ്മിച്ച കാലത്തു സിവിൽപ്രൊസീഡിയർകോഡ് അമൻഡു ചെയ്യുക പഞ്ചായത്തു റഗുലേഷൻ മുതലായ വലിയ ജോലികളം ഇവർക്കു ചെയ്യാൻ ഉണ്ടായിരുന്നു. അന്നു ലെജിസ്ലേറീവ് സംബന്ധമായും കൂടുതൽ ജോലി ഉണ്ടായിരുന്നു. ഇപ്പോൾ അങ്ങനെയുള്ള വലിയ ജോലികളം ഒന്നും ഉണ്ടെന്നു തോന്നുന്നില്ല. അതിനും പുറമെകാൺസ്റ്റിറ്റ്യൂഷനലായിട്ടും ലെജിസ്ലേച്ചർ സംബന്ധിച്ചും ഉള്ള ജോലികൾക്കു വലിയ ഉദ്യോഗസ്ഥന്മാർ വേറെയും ഉണ്ടു്. മുമ്പു ഈ ജോലികളം ഹെഡ്സർക്കാർ വക്കീലും അഡിഷനൽ ഹെഡ് സർക്കാർ വക്കീലും ചെയ്തുകൊണ്ടിരുന്നവയാണു്. അതിനാൽ ഇപ്പോൾ മുമ്പിലുള്ളതു പോലെയുള്ള ലെജിസ്ലേറീവ് ജോലിയുംമറും ഇല്ലാത്തതു കൊണ്ടു ആ ഉദ്യോഗം നിർത്തൽചെയ്യുന്നതു നന്നായിരിക്കുമെന്നാണു് തോന്നുന്നതു്. അഥവാ ഈജോലികൾക്കുമറുദ്യോഗസ്ഥന്മാർക്കൂടിയെതീരുഎന്നുണ്ടെങ്കിൽ നിയമങ്ങളും മറും നല്ലവണ്ണം പഠിച്ചിട്ടുള്ള ഒരു ടെയിൻഡ് ക്ലാർക്കിനെ നിയമിച്ചാൽ മതിയാകുന്നതാണു്. അങ്ങിനെ ഒരു ക്ലാർക്കുണ്ടായിരുന്നാൽ ആ വക ജോലികളം നിർവിഘ്നം നടത്തിക്കൊണ്ടു പോകാൻ സാധിക്കുന്നതാണു്.

പിന്നീട് എനിക്കു സർക്കാർ വക്കീലന്മാരെപ്പറ്റിയാണു് പ്രസ്താവിക്കാനുള്ളതു്. ഹെഡ്സർക്കാർ വക്കീലിനെ കൂടാതെ ഉദ്ദേശം ഫൈവ് സർക്കാർ വക്കീലന്മാർ ഉണ്ടു്. ഈ ഫൈവ് സർക്കാർ വക്കീലന്മാരുണ്ടാ

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യിരുന്നിട്ടും ഫ്രാ ൦ വ.ൽ ന, ൫ ൦ ൦ രൂപായും ഫ്രാ ൦ ൈ-ൽന, ഢ ൽന രൂപായും വക്കീൽഫീസ്സായി വെളിയിലുള്ള മറവ വക്കീലന്മാർക്ക് കൊടുത്തിരിക്കുന്നു. ഫ്രാ ൦ ൻ-ൽ ന, ൫ ൦ ൦ രൂപാ ഈ ഇനത്തിലേക്ക ബഡ്ജറിൽകൊള്ളിച്ചിരിക്കുന്നു. ഇതു അനാവശ്യമായ ഒരു ചിലവാണ്. ഇതുയും രൂപാ ആണ്ടു തോറും പുറമെയുള്ള വക്കീലന്മാർക്കുകൊടുക്കുന്നു എങ്കിൽ ഈ സർക്കാർ വക്കീലന്മാരെ എന്തിനാണ് നിയമിച്ചിരിക്കുന്നതു് എന്നാണ് ഞാൻ ചോദിക്കുന്നതു്.

MR. P. PADMANABHAN TAMPI: പ്രൈവറ്റ് കേസുകൾ നടത്തുന്ന പ്രൈവറ്റ വക്കീലിനും വക്കീൽ ഫീസ് കൊടുത്തു വരുന്നു എന്നറിയാമോ?

MR. A. N. VISVANATHA PILLAI: അതിനെപ്പറ്റിയും അറിയാം.

MR. P. PADMANABHAN TAMPI: സർക്കാർ കേസുകൾ അല്ലാതെയുള്ള പ്രൈവറ്റ കേസുകൾക്കും ഇങ്ങിനെ ഫീസ് കൊടുക്കുന്നതായി അറിയാമോ?

MR. A. N. VISVANATHA PILLAI: അങ്ങിനെയും ഉണ്ടായിരിക്കാം

ഈ ഡിപ്പാർട്ടുമെൻറിനെപ്പറ്റി ഒരു സംഗതി പ്രസ്താവിക്കാതെ നിവർത്തിയില്ല. ഏതു ഡിപ്പാർട്ടുമെൻറിനെപ്പറ്റി പ്രസ്താവിച്ചാലും അതിലൊക്കെ ഓരോ കമ്മിറ്റി കാണുന്നുണ്ട്. എഡ്യൂക്കേഷൻ ഡിപ്പാർട്ടുമെൻറിൽ സ്റ്റാത്താം കമ്മിറ്റി ഉണ്ട്. ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിൽ ലാസ്ഡിലേസ് കമ്മിറ്റി ഉണ്ട്. ഈ കമ്മിറ്റികളുടെ രൂപാശകം ഒന്നും തന്നെ ഗവണ്മെൻറു നടപ്പിൽ വരുത്താൽ വിചാരിക്കുന്നില്ല എന്നാണ് തോന്നുന്നതു്. ആ സംഗതി ഗവണ്മെൻറിൻെറ നടപടികളം കൊണ്ടു തന്നെ കാണാവുന്നതാണ്. ലാസ്ഡിലേസ് കമ്മിറ്റിയുടെ റിപ്പോർട്ടിൽ പ്രതിപാദിച്ചിട്ടുള്ള സംഗതികളെ നടപ്പിൽ വരുത്തണമെന്നു ഹൈക്കോടതി ഗവണ്മെൻറിനോടു രൂപാശചെയ്തിട്ടുള്ളതായി അറിയുന്നു. ആ കമ്മിറ്റിയുടെ റിപ്പോർട്ടിൽ പ്രതിപാദിച്ചിട്ടുള്ള സംഗതികളം ഓരോന്നും ചില്ലറയായി നടപ്പിൽ വരുത്തുവാനുള്ളവയല്ല. എല്ലാംകൂടി ഒരുമിച്ച് നടപ്പിൽ വരുത്താനുള്ളതാണ്. ഒട്ടു വളരെ പണം ചിലവു ചെയ്യും അനേകം ദിവസം പ്രയത്നം ചെയ്യും നിർമ്മിച്ചിട്ടുള്ള ആ റിപ്പോർട്ടിനെ വകവയ്ക്കാതെയിരിയ്ക്കുന്നതു നല്ല ഒരു പദ്ധതി അല്ല. ഉദ്യോഗസ്ഥന്മാർ ഇപ്പോളം ഏർപ്പെട്ടിരിക്കുന്നതു ഓരോ സംഗതിക്കും സമാധാനം കണ്ടുപിടിക്കുന്നതിലാണ്. അവരുടെ ശ്ര

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[Mr. A. N. Visvanatha Pillai.]

ദ്യാമുഴുവനും പതിഞ്ഞിരിക്കുന്നതു സമാധാനം കണ്ടു പിടിക്കുന്നതിൽമാത്രമാണു്.

കേസുകാം തീരുമാനിക്കുന്നതിനുള്ള താമസത്തെപ്പറ്റിയാണു് എനിക്കു അടുത്തതായി പ്രസ്താവിക്കാനുള്ളതു്. അതു് ലാസ്ഡിലേസ്ക മ്മിറ്റിയുടെ റിപ്പോർട്ടിൽ നല്ലവണ്ണം പ്രസ്താവിക്കപ്പെട്ടിട്ടുണ്ടു്. അതനുസരിച്ചു പ്രവർത്തിച്ചാൽമാത്രമെ ഈ താമസം പരിഹരിക്കപ്പെടുകയുള്ളു.

സിക്രട്ടേറിയേറ്റിൽനിന്നും മജിസ്ട്രേട്ടന്മാരെ നിയമിക്കുന്ന നയം മാറേണ്ടതു് അത്യാവശ്യമാണു്. മജിസ്ട്രേട്ടന്മാരെ ബാറിൽനിന്നുംതന്നെ റിക്രൂട്ടുചെയ്യണം. സിക്രട്ടേറിയേറ്റിൽ പത്തും പന്ത്രണ്ടുംകൊല്ലം ഇരുന്നു് പഠിച്ച നടപടിമുറ മറന്നു എന്നു് ഗവണ്മെൻറിനു പൂർണ്ണ ബോദ്ധ്യംവരുമ്പോൾ മാത്രമാണു് അവരെ മജിസ്ട്രേട്ടന്മാരായി നിയമിക്കുന്നതു്. ഈ നയം നല്ലതല്ല. മജിസ്ട്രസിയെ എക്സിക്യൂട്ടീവിൽനിന്നും വേർതിരിച്ചു് ഹൈക്കോടതിയുടെകീഴിൽ ആക്കണം. അപ്പോൾ സിക്രട്ടേറിയേറ്റിലെ ക്ലാർക്കന്മാരെ തഹശീൽദാരന്മാരായി അയക്കുന്നതിനും സാധിക്കുന്നതാണു്. അതുകൊണ്ടു മജിസ്ട്രേട്ടന്മാരെ ബാറിൽനിന്നുംതന്നെ റിക്രൂട്ടുചെയ്യണം. ഇനി സിക്രട്ടേറിയറ്റിലുള്ളവർക്കുകൂടി ഒരു ചാൻസുകൊടുക്കണമെന്നുള്ളപക്ഷം അതിന്റെ ഒരു ശതമാനം കൊടുക്കുന്നതുകൊണ്ടു വിരോധമില്ല.

ഇവിടത്തെ അണ്ടർടയൽപ്രിസനേർസിനെ ഇപ്പോൾ പോലീസ് ലാക്കപ്പിലാണു് സൂക്ഷിച്ചുവരുന്നതു്.

MR. P. PADMANABHAN TAMPI : അണ്ടർടയൽ പ്രിസനേർസിനെ പോലീസ്ലാക്കപ്പിൽ ഇടാൻപാടില്ലെന്നും അവരെ സബ്ജയിലിൽ അയക്കണമെന്നും ഗവണ്മെൻറ് ഓർഡർ ഉണ്ടായിട്ടുള്ളതായി അറിയാമോ?

MR. A. N. VISVANATHA PILLAI : അങ്ങിനെ ചെയ്യുവരുന്നു എന്നു് തോന്നുന്നില്ല. പോലീസ്ലാക്കപ്പിൽ സൂക്ഷിച്ചുവരുന്നു എന്നു് അറിയാം. നമ്മുടെ അയൽരാജ്യമായ കൊച്ചിയിൽ മജിസ്ട്രേട്ടിന്റെ കീഴിലാണു് സൂക്ഷിച്ചുവരുന്നതു് അതുകൊണ്ടു ഇവിടെയും അണ്ടർടയർ പ്രിസനേർസിനെ മജിസ്ട്രേട്ടിന്റെകീഴിൽതന്നെ സൂക്ഷിക്കണം. പോലീസ്ലാക്കപ്പിൽ സൂക്ഷിച്ചുവരുന്നതുകൊണ്ടു പല തകരാറുകളും ഉണ്ടാകുന്നുണ്ടു്.

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MR. P. PADMANABHAN TAMPI: അണ്ടർടേയൽപ്രിസനേർസിനെക്കൊണ്ടു ചുമടു എടുപ്പിക്കുന്നതായി അറിയാമോ?

MR. A. N. VISVANATHA PILLAI: അറിഞ്ഞുകൂടാ. അങ്ങിനെ ചെയ്യുന്നു എങ്കിൽ അതു തീരെ അക്ഷന്തവ്യമായ ഒരു അപരാധമാണു്.

അണ്ടർടേയൽ പ്രിസനേർസിനെ പോലീസിന്റെ കസ്റ്റഡിയിൽ നിന്നുംമാറി മജിസ്ട്രേട്ടിന്റെ നേരിട്ടുള്ള സൂക്ഷ്മത്തിൽവയ്ക്കുന്നതു് നന്നായിരിക്കുമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു. ഈ വക കാര്യങ്ങളിൽ ഗവണ്മെൻറിന്റെ ദൃഷ്ടി വേണ്ടുവോളം പതിയണമെന്നു പ്രത്യേകം അവശ്യപ്പെട്ടുകൊള്ളുന്നു.

MR. KALLUR NARAYANA PILLAI: ഈ ഉപക്ഷേപത്തെ ഞാൻ അനുകൂലിക്കുന്നു. ലാസ്ഡിപ്പാർട്ടുമെൻറ് കമ്മിഷണരുടെ റിപ്പോർട്ടിനെ നടപ്പിൽവരുത്തണമെന്നു ഹൈക്കോടതി ഗവണ്മെൻറിലേക്കു ശുപാർശ ചെയ്തിട്ടുള്ളതുകൊണ്ടു് അതിനേപ്പറ്റി ഒന്നുംതന്നെ പ്രസ്താവിക്കുന്നില്ല. ഈ ഇടക്കാലത്തു് സിവിൽകോടതികൾ കൂടുതലായി സ്ഥാപിച്ചിട്ടുണ്ടു്. തിരുവല്ലായിൽ ഒരു മുൻസിഫ്കോടതിയുണ്ടു്. കൊട്ടാരക്കരയും ഒരു മുൻസീഫ്കോടതിയുണ്ടു്. ഇതിന്റെ മദ്ധ്യേയായി ചെങ്ങന്നൂർ ഒരു മുൻസീഫ്കോടതി ൧൦൭൨-ൽ സ്ഥാപിച്ചു. അന്നത്തെ സൗകര്യം അനുസരിച്ചു ഏതാനും സ്ഥലങ്ങൾ അതിന്റെ അധീനത്തിയിലായി ഉൾപ്പെടുത്തി. അതിനുശേഷം ശാസ്താംകോട്ടക്കു പ്രാധാന്യംകൊടുക്കുന്നതിനായി അട്ടർ ഒരു കോടതി സ്ഥാപിച്ചു. ആ കോടതിയുടെ ആവശ്യംതന്നെ അന്നുണ്ടായിരുന്നില്ല. അതിലേക്കു കൊട്ടാരക്കര മുൻസീഫ്കോടതിയിൽനിന്നും കായംകുളം മുൻസീഫ്കോടതിയിൽനിന്നും കുറെ പകുതികൾ എടുത്താണു് അട്ടർ കോടതി സ്ഥാപിച്ചതു്. വേറെ ഏതോ പ്രേരണയാൽ ചങ്ങനാശേരിയിൽ ഒരു കോടതിക്കൂടി സ്ഥാപിച്ചു. അതിലേക്ക് തിരുവല്ലാ, കോട്ടയം, ഈ മുൻസീഫ്കോടതികളിൽനിന്നും ഏതാനും അധീനത്തികൾ തിരിച്ചുകൊടുത്തു. ഇങ്ങിനെയുള്ള അധീനത്തികൾ തിരിച്ചുസമയത്തു് ഓരോ കോടതിയിലും തുല്യമായി കേസുകൾ പതിയുന്നതിനു് തക്കവിധത്തിൽ അധീനത്തികൾ തിരിക്കുന്നതിനു് സാധിച്ചില്ല. ഈ സംഗതി ലാസ്ഡിപ്പാർട്ടുമെൻറ് കമ്മിഷണരുടെ റിപ്പോർട്ടിൽനിന്നും വ്യക്തമായി കാണാവുന്നതാണു്. ഇപ്പോൾ ചെങ്ങന്നൂർ മുൻസീഫ്കോടതിയിൽ ൧൧൦൦-ൽ ചിലപ്പോൾ കേസുകളും തിരുവല്ലാ മുൻസീഫ്കോടതിയിൽ ൧൩൦൦-ൽ ചിലപ്പോൾ കേസുകളും കുടിശികയായി കിടക്കുന്നുണ്ടു്. ഇത്രയധികം കേസുകൾ ഒരു ഒറ്റ മുൻസീ

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[Mr. Kallur Narayana Pillai.]

ഫിനെക്കൊണ്ട് നിർവഹിക്കാൻ സാധിക്കുന്നതല്ല. അതുകൊണ്ട് പത്തനംതിട്ട ഒരു മുൻസീഫ് കോടതി സ്ഥാപിക്കുന്നതായാൽ തിരുവല്ലാ ക്കോടതിയിലെ കേസുകളെ ലഘൂകരിക്കുന്നതിനും ചെങ്ങന്നൂർ കോടതിയിലെ കേസുകളെ ലഘൂകരിക്കുന്നതിനും സാധിക്കുന്നതാണ്. ഇപ്രകാരം ലാസ്ഡിലേസ് കമ്മിഷണർ അഭിപ്രായപ്പെട്ടിരിക്കുന്നതിനെ ഗവണ്മെൻറ് സ്വീകരിക്കണം.

ഇപ്പോഴുള്ള മുൻസീഫ് കോടതികളിൽ പലതിന്റെയും അധികാരാതിർത്തികളുടെ ക്രൂടതൽദൂരം നാല് മൈലും ചിലസ്ഥലങ്ങളിൽ ഏഴ് മൈലും ആണ്. ഒരു കേസിൽ സാക്ഷിക്ക് നടപടിനടത്തുന്നതിനു മൂന്നാംക്ലാസിനു പ്രാസസ്സ് മൂന്നര പണവും മൈൽ ഒന്നിനു ഒരു പണം മൈലേജും ഭക്ഷണച്ചിലവിനു മൂന്നര പണവും കൊടുക്കണം. അതിലേക്ക് നാല് മൈൽ ദൂരത്തിനു നാല് പണം ചിലവുവരുന്നു. ഈ നാല് പണം ചിലവാക്കി നടപടിനടത്തിയിട്ട് വിചാരണദിവസം ആ സാക്ഷിയെ വിസ്തരിക്കാതെ വരികയാണെങ്കിൽ അതുയും പണം കക്ഷിക്ക് നഷ്ടമാകുകയാണെങ്കിൽ നാല് പണം ചിലവാക്കി വീണ്ടും നടപടി നടത്തണം. ഇങ്ങിനെ നാലും അഞ്ചും സാക്ഷികൾക്ക് നാല് പണം വീതം അവരെക്കൊണ്ട് വീണ്ടും വീണ്ടും കെട്ടിക്കുക എന്നതു് വലിയ സങ്കടമായിട്ടുള്ളതാണ്.

Mr. KOMILEZHATHU SANKARAN: സെഷൻകോടതികളിൽ വിസ്താരത്തിനായി ഒരു സാക്ഷി മൂന്നും നാലും ദിവസത്തിൽ ക്രൂടതൽ പോയി താമസിക്കേണ്ടിയിരിക്കുന്നു എന്നറിയാമോ?

Mr. KALLUR NARAYANA PILLAI: അങ്ങിനേയും കാണും. സാക്ഷിനടപടിക്കുള്ള പണം പ്രാസസ്സ് ശിപായിയെ ഏല്പിച്ച് സാക്ഷിക്ക് കൊടുക്കാതെ മുൻസീഫ് കോടതിയിൽതന്നെ ഡിപ്പാസിറ്റു ചെയ്യണം. സാക്ഷിക്ക് സമൻസ് അയച്ച് പ്രാസസ്സുശിപായിമുഖാന്തിരം പണം കൊടുക്കുന്നതുകൊണ്ട് പണവുംവാങ്ങിയിട്ട് മൊഴികൊടുക്കാൻവരാതെയിരിക്കുന്നുണ്ട്. ആ പണം കോർട്ടിൽതന്നെയിരുന്നാൽ മൊഴികൊടുത്തതിനുശേഷം സാക്ഷിക്കു കൊടുക്കാവുന്നതാണ്. ഒരിക്കൽ സമൻസ് കൈപ്പറ്റിയസാക്ഷിക്കു ആ അപേക്ഷയെതുടർന്നു ക്രിമിനൽകേസ്സുകളിലേപ്പോലെ വാറണ്ടൊ പരസ്യമൊ അയക്കുന്നതായാൽ കക്ഷിക്ക് ക്രൂടതൽ പണം ചിലവാകുകയില്ല. അതുകൊണ്ട് ഈ നടപടി അംഗീകരിക്കുന്നതു് നന്നായിരിക്കും.

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സിവിൽ കോടതികളിൽ സത്യവാങ്മൂലം ഫാജരാക്കി അപേക്ഷകൊടുക്കുക എന്നൊരുപതിവുണ്ട്. ഈ സത്യവാങ്മൂലം ഒപ്പിട്ടു സാക്ഷിപ്പെടുത്തികൊടുക്കുന്നതിന് ലെജിസ്ലേറ്റീവ് കൌൺസിൽ മെമ്പേർസിനും പാവ്ത്യക്കാരന്മാക്കും ഹെഡ് മിനിസ്റ്റീരിയൽ ആഫീസക്കും മറ്റുചില ഗസറ്റഡ് ആഫീസർമാക്കും മാത്രമെ അധികാരംകൊടുത്തിട്ടുള്ളൂ. ഈ സത്യവാങ്മൂലം സാക്ഷിപ്പെടുത്തികൊടുക്കുന്നതു് ഹെഡ് മിനിസ്റ്റീരിയൽ ആഫീസരുടെ ഡ്യൂട്ടിയിൽ ഉൾപ്പെട്ടതല്ല. അങ്ങിനെ നിർബന്ധവും ഇല്ലാ. അതുകൊണ്ട് ഹെഡ്മിനിസ്റ്റീരിയൽ ആഫീസർ പ്രായേണ സത്യവാങ്മൂലം സാക്ഷിപ്പെടുത്തി കൊടുക്കുന്നതിന് പല കോടതികളിലും നാലണവീതം പ്രതിഫലം വാങ്ങിച്ചുവരുന്നു. അൻപതു രൂപാ ശമ്പളമുള്ള ഈ ഹെഡുഗുമസ്ഥന് മുൻസിഫിനെക്കാൾ കൂടുതൽ ആദായം ഈ സത്യവാങ്മൂലം സാക്ഷിപ്പെടുത്തുന്നതുകൊണ്ടു കിട്ടിവരുന്നുണ്ട്. ദിവസം ശരാശരി ഫ 0 രൂപാവീതം അവക്കു കിട്ടുന്നതായി കാണുന്നുണ്ട്. വക്കാലത്തു സ്വീകരിക്കുന്നവക്കീലിന് സത്യവാങ്മൂലം സാക്ഷിപ്പെടുത്താൻ എന്തുകൊണ്ടു പാടില്ല? കക്ഷിക്കു് സൌകര്യക്കേടാണ് അതുകൊണ്ട് ഒരുഅവധിമാറിക്കിട്ടണമെന്ന് അപേക്ഷിക്കാൻ ബോധിപ്പിക്കുന്ന സത്യവാങ്മൂലം സാക്ഷിപ്പെടുത്താൻ മറ്റൊരാളെ ആശ്രയിക്കേണ്ടിവരുന്നു.

Mr. KOMILEHATHU SANKARAN : ഏതെങ്കിലും നമ്പർ ഫയലിൽനിന്നും കുറവ്ചെയ്യുന്നതിന് വക്കീൽ വക്കാലത്തു് സാക്ഷിപ്പെടുത്തികൊടുത്താൽ സാധിക്കുകയില്ലെ?

Mr. KALLUR NARAYANA PILLAI : ധാരാളം സാധിക്കും. കക്ഷി എന്റെമുമ്പിൽവച്ച് വക്കാലത്ത് ഒപ്പിട്ടിരിക്കുന്നു എന്ന് വക്കീൽ സാക്ഷിപ്പെടുത്തികൊടുത്താൽ വലിയതുകയിലുള്ള പണങ്ങടംപോലും കോടതിയിൽനിന്നു തിരിയെവാങ്ങിക്കാൻ സാധിക്കുന്നതാണ്. അതിനും കൂടി ഒരുവക്കീലിനധികാരമുണ്ട്. ആ സ്ഥിതിക്കു ഈ സത്യവാങ്മൂലം സാക്ഷിപ്പെടുത്തി കൊടുക്കുന്നതിന് ഹെഡ്മിനിസ്റ്റീരിയൽ ആഫീസക്ക്മാത്രമെ പാടുള്ളൂ വക്കീലിന് പാടില്ല എന്ന് നിശ്ചയിച്ചിരിക്കുന്നതു് ശരിയല്ല.

Mr. M. GOVINDAN : ഈ സത്യവാങ്മൂലം വേണ്ടെന്ന്വച്ചാൽ തരക്കേടുണ്ടോ?

Mr. KALLUR NARAYANA PILLAI : എന്നാലും തരക്കേടില്ല. വേണ്ടെന്നുവയ്ക്കുകതന്നെവേണം. ഇത്രത്തോളം ഉപദ്രവം ഉണ്ടാക്കുന്ന

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[Mr. Kallur Narayana Pillai.]

സംഗതിവേറെഒന്നുമില്ല. ഇപ്പോൾ സത്യവാങ്മൂലമല്ല, അസത്യവാങ്മൂലമാണ് പലസംഗതികളിലും നടന്നുവരുന്നത്. അതുകൊണ്ട് ഇതിനെ നിത്തൽചെയ്കയൊ അല്ലാത്തപക്ഷം ഫൊഡ്മിനിസ്റ്റീരിയൽ ആഫീസുക്കു പുറമെ എല്ലാവക്കീലന്മാക്കുംകൂടി സാക്ഷിപ്പെടുത്തുന്നതിനു അധികാരംകൊടുക്കുകയൊ ചെയ്യണം. കേവലം ദരിദ്രപാശ്ചാത്തലമുള്ള പാവപ്പെട്ടവക്കാക്കു ഈ അധികാരം കൊടുത്തിരിക്കുന്നു. അയിരക്കണക്കിനു പ്രാ കോടതിയിൽനിന്നും ഒരുകക്ഷിക്കുവേണ്ടി കെട്ടിവാങ്ങിക്കുന്ന വക്കീലന്മാക്കു പാവപ്പെട്ടവക്കാരുടെ അത്രസ്ഥാനമില്ലെന്ന് വിചാരിക്കുന്നതു വളരെ കഷ്ടമാണ്. ഏതൊരുവക്കീലിനും ആ വക്കീലിന്റെ കക്ഷിക്കുവേണ്ടി സത്യവാങ്മൂലംസാക്ഷിപ്പെടുത്തുവാൻ അധികാരംഉണ്ടായിരിക്കേണ്ടതാണ്. അപ്രകാരം സിവിൽകോർട്ട്ഓഡിൽ ഭേദഗതിവരുത്തുവാനുള്ളതാണ്. അതുകൊണ്ട് സത്യവാങ്മൂലം സാക്ഷിപ്പെടുത്തുന്നതിനു വക്കീലന്മാക്കും അധികാരം കൊടുക്കേണ്ടതാണ്.

വിധിക്കടം തീക്കുന്നതിന് നിവർത്തിയില്ലാത്തവരെ സിവിൽ ജയിലിൽ അയക്കുന്ന അവസരത്തിൽ, ജയിൽവാസം അനുഭവിക്കുന്നത് അപായകരമാണെന്ന് ഡാക്ടർ സർട്ടിഫിക്കറ് കൊടുത്താലും ചിലമുൻസിഫന്മാർ അവരെ ജയിലിൽ അയക്കുന്നുണ്ട്. മാവേലിക്കര മുൻസീഫ്കോട്ടിൽ നടന്ന ഒരു സംഭവം എന്റെ ഓർമ്മയിൽവരുന്നു. ഫ്രാഞ്ച് സിവിൽസ്യൻ 2-ാം നമ്പർ കേസിലെവിധിയനുസരിച്ച് പ്രതിയെ അറസ്റ്റ് ചെയ്ത് കോടതിയിൽ ഹാജരാക്കിയ അവസരത്തിൽ സിവിൽജയിലിൽ അയക്കുന്നത് അപകടമാണെന്ന് ആ പ്രതിയെ ചികിത്സിച്ചിരുന്ന ഡാക്ടരുടെ സർട്ടിഫിക്കറ് ഹാജരാക്കിയിട്ടും അവിടത്തെ ഡിസ്ട്രിക്ട് മുൻസിഫ് മിസ്റ്റർ. ഈപ്പൻ അതിനെവകവയ്ക്കാതെ സിവിൽ ജയിലിൽ അയച്ചു. ജയിലിൽ അയച്ച് ഏതാനും ദിവസംകഴിഞ്ഞ് അയാൾ രക്തംഛർദ്ദിച്ച് ജയിലിൽവച്ചു മരിച്ചു. അതിനെസംബന്ധിച്ച് അയാളുടെ ഭാര്യ ഹൈക്കോടതിയിൽ ഹർജികൊടുത്തതിൽ അതിനെപ്പറ്റി യാതൊരുനടപടിയും നടത്തിയില്ലഎന്ന് മാത്രമല്ല, അതിന്റെ അവസാനഫലമായി ആ ഡിസ്ട്രിക്ട് മുൻസിഫിനെ ഒരു സെക്കൻഡ് ജഡ്ജിയായി നിയമിക്കയാണ് ചെയ്തതെന്നും അറിയുന്നു. ഒരാളിന്റെ ജീവൻ ആ മുൻസിഫിന്റെ ഉത്തരവ് നിമിത്തം നഷ്ടമായി. ജയിൽവാസം ഇല്ലാതെഇരുന്നുഎങ്കിൽ രണ്ടുമൂന്നുവർഷംകൂടി അയാൾ ജീവിച്ചിരുന്നു അയാളുടെ കുഞ്ഞുകുട്ടികളെ സംരക്ഷിക്കുമായിരുന്നു. ഇ

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ങ്ങിനെയുള്ള സംഗതികളിൽ മിക്ക സിവിൽകോടതികളും പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണെന്ന് ഗവണ്മെൻറു നിഷ്കർഷയായി ഏർപ്പാടു ചെയ്യുവാനുള്ളതാകുന്നു.

MR. V. S. ARUMUKHAM PILLAI (*Tovala* cum *Agastisvaram*) : Whatever may be the rules passed, and circulars issued, efficiency in the administration of justice, rests entirely on the character, capacity and sense of duty possessed by the individuals who are entrusted with such duties. It is therefore highly essential that proper attention should be devoted in the matter of recruitment. The practice now followed for recruitment is, that the High Court makes the recommendation which is *ipso facto* adopted by the Government. If there are two appointments in the Judicial Department, one goes to the Bar and the other to the department. That is to say, every alternative vacancy is filled up by a candidate from the Bar, the other being reserved for the ministerial establishment. A fixed percentage is reserved for the ministerial officers of the department. So far as future recruitment is concerned, preference to ministerial establishment ought to be discouraged, and in fairness to the Bar and the ministerial establishment I will suggest that at least not less than 75 per cent. must be recruited from the Bar.

I agree with most of my friends in saying, that, in the matter of recruitment, communalism and efficiency, both combined, should be taken into consideration. If communalism alone is considered, it is only the vociferous communities that will have the best chance of getting jobs.

MR. P. PADMANABHAN TAMPI : By communalism, does the member mean communal representation ?

MR. V. S. ARUMUKHAM PILLAI : Yes, I mean communal representation.

The principles of communal representation and efficiency are to be taken into consideration in the matter of appointments. If the High Court makes a recommendation, they can recommend only those with whom they are in touch and not members from the mofussil Bar. As a result members of the mofussil Bar are deprived of their chance of getting jobs. Members of the moffusil Bar are entirely neglected. In order to find out who is really efficient, I will suggest a method. The High Court must call for a detailed report from the Munsiff or Judge concerned as to the number of cases a certain individual of the mofussil Bar has handled as also his general character and conduct with regard to those cases. On the basis of that report, if the High Court make their recommendations for Munsiffs' and Judges' posts, I would suggest that to be a proper method of testing the efficiency. If this method is to be adopted the present grievance of the members of the mofussil Bar could also be redressed.

In regard to promotions, I will suggest that the recommendations of the Law's Delays Commissioner ought to be given effect to. In the judicial office, which is one of great responsibility and trust, honest and good work must be appreciated. Idlers and honest workers must not be treated alike in the matter of promotions.

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[Mr. V. S. Arumukham Pillai.]

In regard to holidays, I agree with most of my friends in saying that the holidays, now taken away, should be restored to the department. So far as my experience goes, I beg to submit that no material gain could be achieved by taking away these holidays. The work of the Munsiffs and Judges is done mostly in their homes; and especially for writing judgments, it is these holidays that are availed of. The client population are also put to a great difficulty, because, Treasury and Revenue Cutcherries are closed on that day and so, the litigant public finds it very difficult to transact money business. Therefore I would strongly suggest that the holidays now taken away from the Judicial Department be restored.

The separation of Magistracy from the Executive, ought to be given effect to. Recruitment of Magistrates, at least 50 per cent. must be from the Bar. They alone have the equipment and training necessary for judicial work.

I also agree with my friends in stating that the salaries of judicial officers are too low, compared with the prestige and responsibility vested in them. For the present, I do not recommend that their salary must be increased. But I would suggest that if any retrenchment is contemplated the salaries of judicial officers must be retained and the salaries of heads of other departments should come down to the level of District Judges. That is to say, salaries of other officers must be reduced and the status of a District Judge ought to be made on a par with the heads of other departments.

MR. KAYALAM PARAMESVARAN PILLAI: The debate on this demand has ranged over many and various subjects and I am afraid that I cannot do justice to all that has been said to-day. Within the limited time at my disposal, I shall try to answer some of the more important points raised. Comprehensively, however, I may say that every one of the points adverted to will receive the careful consideration of Government. But I cannot let this occasion pass without making special reference to one or two points generally commented on during the debate.

First of all, in regard to the Law's Delays, the House is aware that certain recommendations have been made by the Law's Delays Commissioner. Vigorous steps are being taken to put some of these recommendations into effect at once; and the others are receiving consideration.

Some of the recommendations may require amendment of the law now in force; and some may require additional expenditure. These may take some little time to take final shape. In regard to the other recommendations, the High Court has been asked to give effect to them immediately.

In regard to the establishment of Courts at Mavelikara and Pattanamtitta, the Law's Delays Commissioner has suggested the establishment of Courts there and the High Court also has generally accepted

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that suggestion. The matter is now under the consideration of Government; and I may say, for the information of the House, that the Government are viewing favourably the establishment of a District Court at Mavelikara and a Munsiff's Court at Pattanamtitta.

In regard to the allegation of corruption in the judicial service, I was sorry to find that some of the members were making very sweeping statements against the Judicial Department as a whole. I do not for a moment deny that there may be black sheep here and there in our judiciary as elsewhere. But, the general and sweeping charge of corruption is totally unjustified. As a citizen of Travancore, I think, I must say that it is suicidal on our part to make such sweeping statements against the honesty of the entire judiciary in the State. My friends on the other side of the House must think of the impression that such unjustified and safely exaggerated observation made by responsible members of this House, the responsible representatives of the people, will make in the minds of the people outside Travancore who may not have occasion to know the real facts. If responsible members of the Legislature cry out "corruption, corruption everywhere," what would be the esteem that we command from people outside the State; we will be deemed to be a corrupt race quite unjustifiably. Recently, in Northern India, I believe in Punjab, a statement was made by a highly placed authority that the officers in that Province were corrupt. There was, naturally, a protest against that statement from various quarters. Very soon afterwards, at a meeting of the Legislature there a complaint of corruption was made by one or two members. Immediately the Newspapers and men who were in support of the statement made by the authority published that the charge of the corruption has been fully justified and cited the Legislature itself. That will illustrate what value will be attached to and what use will be made of, statements made in Legislative Chambers. Far be it from me to say or suggest that members of this House should not expose corruption. It is their duty to expose and expose mercilessly and without fear of consequences all corruption if it be real. Stray cases of corruption, if there be any, should not be exaggerated into all round and general corruption. Therefore, I ask, Sir, is it right that responsible members of this House should make such sweeping statements and do not only injustice to the hard-worked staff of the Judicial Department, but also injury to themselves and the country? I do not think there is any occasion at all as things stand at present in Travancore, for making such sweeping statements against the entire judiciary in the land. Sir, Mr. Padmanabhan Tampi said, and quite rightly said, that when he made his charges he had several instances at the back of his mind and that he was prepared to substantiate them. Sir, I am willing to accept his challenge and take him at his word and I am prepared to communicate this fact to the High Court. I hope Mr. Tampi will go to the High Court and tell them the specific instances which he has in his mind, and also prove them if necessary. Mr. Padmanabhan Tampi is a responsible member of this House, and is also an influential gentleman. I am sure he will be able to prove the instances he has in mind; and I have no doubt whatever that the High Court will take prompt and efficient action in all those cases.

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MR. K. P. NILAKANTA PILLAI: May I know whether Mr. Padmanabhan Tampi is expected to let in evidence also?

MR. KAYALAM PARAMESVARAN PILLAI: That will depend upon the nature of each case. If, for instance, it is a case of some of the rules being broken or some illegal action taken on the part of the judiciary, it may perhaps be seen from the papers and no evidence need be let in; if, on the other hand, Mr. Padmanabhan Tampi alleges for instance that he was present when a particular officer received or was offered a bribe, that would certainly require evidence. Mr. Padmanabhan Tampi will have to prove it.

MR. K. P. NILAKANTA PILLAI: Does the member realise the difficulty of a non-official member in letting in evidence to prove the corruption of an officer?

MR. KAYALAM PARAMESVARAN PILLAI: In regard to Mr. Pdamanabhan Tampi however I have not got the least doubt that he would not find any difficulty in the matter. He is a very influential gentleman and a respectable member of this House.

The next point that I would like to deal with is the question of the ten Hindu holidays which were recently cancelled and made into working days for the Judicial Department. Without meaning any offence to anybody, I must say, Sir, that, to me, it seemed a very graceless insinuation to have suggested that these Hindu holidays were cancelled because a Christian gentleman happened to be, for the time being, the Head of the Administration.

MR. K. P. NILAKANTA PILLAI: Could not the member realise that that statement was made in a spirit of humour?

MR. KAYALAM PARAMESVARAN PILLAI: I am happy to hear that; and I have great pleasure to accept that statement. But I must say that I would have been much happier if that statement had fallen from the lips of the gentleman who made what I stated to be the insinuation.

Sir, the recommendation in regard to these holidays being cancelled and made into working days, came from the High Court which is composed of Christians as well as Hindus; and Government merely accepted the recommendation.

MR. M. N. PARAMESVARAN PILLAI: May I know whether the High Court has recommended the restoration of the holidays?

MR. KAYALAM PARAMESVARAN PILLAI: I am not now in a position to say that. But I may tell the House that the restoration of the holidays is now being considered by Government.

MR. KATTIYATTU SIVARAMA PANICKAR: May I ask the member whether, as a legal practitioner, he has experienced any difficulty on account of the Courts alone working on these holidays while all the other offices in the State do not work?

MR. KAYALAM PARAMESVARAN PILLAI: No difficulty has so far been brought to the notice of Government, but I can very well imagine some difficulties.

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MR. KATTIYATTU SIVARAMA PANICKAR: For instance, on a day on which the treasury has a holiday how can a litigant remit money into the treasury? At the same time, the Court will be working on that day and may order money to be remitted into the treasury.

MR. KAYALAM PARAMESVARAN PILLAI: I can certainly envisage such difficulties; but they are not perhaps insurmountable.

MR. KATTIYATTU SIVARAMA PANICKAR: May I know whether the authorities who cancelled these holidays considered these difficulties of the litigant public when they thought of the cancellation of these holidays?

MR KAYALAM PARAMESVARAN PILLAI: The High Court recommended it; perhaps they might have considered the difficulties, or perhaps they might not have. Anyhow, the matter will be reconsidered.

I shall next deal with the question of the recruitment of judicial officers. Rules have been recently issued that, in regard to Judges' posts, efficiency will be the main consideration. For the information of the House I may also point out that, whereas, in regard to the appointment of Munsiffs the recommendations have necessarily to be made by the High Court which are then accepted by the Government, in the case of the appointment of Judges, it is strictly the duty of the Government to make the appointments, although, as a matter of fact, in every instance, they insist upon getting the recommendations of the High Court as to the eligibility of the candidate for appointment.

MR. M. N. PARAMESVARAN PILLAI: Are the recommendations of the High Court generally followed by the Government?

Mr. KAYALAM PARAMESVARAN PILLAI: I will come to it presently.

At the same time I must point out that Government are not prepared to abdicate their responsibility in the matter of making the appointment of Judges. Sir, specific mention was made about the case of Mr. C. S. Lakshmana Pillai whom the High Court had recently recommended for a Judge's post. In answer to an interpellation in the Sri Mulam Assembly it was stated by Government that they actually appointed a gentleman whom the High Court had themselves recommended, but whose age question.....

MR. M. N. PARAMESVARAN PILLAI: Has the High Court laid down any age-limit for the appointment of Second Judges?

Mr. KAYALAM PARAMESVARAN PILLAI: Yes.

Mr. M. N. PARAMESVARAN PILLAI: Has it been accepted by Government?

MR. KAYALAM PARAMESVARAN PILLAI: I will come to that presently.

My point is that no person has been appointed as Judge unless he was considered eligible and fit, by the High Court, for a Judge's post.

In regard to the rule of age limit, the idea of the High Court is that, in order that the officer may be able to earn a decent pension

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[Mr. Kayalam Paramesvaran Pillai.]

the Judges must be appointed fairly early in life; so that at least fifteen years' pensionable service may be put in. That was why they fixed forty as the age-limit for recruitment as Judges. But, in the case of the Sirkar Vakils, it was thought that, since they were pensionable Government servants already, they could get a decent pension even if they did not have fifteen years' service as *Judges*, provided that they became Sirkar Vakils within the age limit. That was why the age rule was modified in the case of Sirkar Vakils being appointed as Judges.

MR. M. N. PARAMESVARAN PILLAI: Is the member aware that the Law's Delays Commissioner has not recommended any age limit for the appointment of Second Judges?

MR. KAYALAM PARAMESVARAN PILLAI: I cannot say, but I am prepared to accept the member's statement.

Sir, I must now conclude.

As I stated at the outset, every point raised will be considered by the Government.

MR. KALLUR NARAYANA PILLAI: മാവേലിക്കരക്കോടതിയിൽ നിന്നും ഒരു പ്രതിയെ ജയിലിൽ അയച്ചിട്ടുള്ളതായി അറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI: I have no information: but the member himself stated that the matter was brought to the notice of the High Court.

MR. KALLUR NARAYANA PILLAI: അതിനെപ്പറ്റി യാതൊരു തീർച്ചയും ചെയ്തിട്ടില്ല എന്നു കേൾക്കുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI: I have no information.

MR. KOCHIKAL P. BALAKRISHNAN TAMPI: I thank the Law Member for the announcement about the establishment of courts, and I withdraw my motion.

The motion was, by leave, withdrawn.

PRESIDENT: I put to the vote of the House Demand XII—Administration of Justice—for Rs. 10,49,355.

The grant was made.

DEMAND XIII—GENERAL ADMINISTRATION—EXCLUDING ACCOUNT OFFICE AND LEGISLATIVE BODIES.

MR. K. GEORGE: Sir, I rise to move for a grant not exceeding Rs. 2,39,509, under Demand XIII General Administration, excluding Account Office and Legislative Bodies.

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